

RECEIVED  
CENTRAL FAX CENTER

005

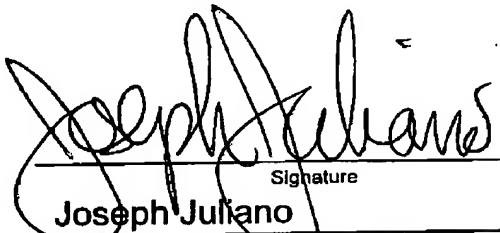
FEB 28 2007

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 34874-022 / 2003P00820	
I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below. [37 CFR 1.8(a)] on <u>February 28, 2007</u> Signature <u><i>Teri Barnett</i></u> Typed or printed name <u>Teri Barnett</u>		Application Number 10/717,186	Filed November 18, 2003
		First Named Inventor Hartmut Koerner	
		Art Unit 2168	Examiner Jay A. Morrison
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor.		Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		Typed or printed name	
<input checked="" type="checkbox"/> attorney or agent of record. 54,780 Registration number		(858) 320-3031 Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34		February 28, 2007 Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket No.: 34874-022 / 2003P00820US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Koerner et al.  
Serial No.: 10/717,186  
Filed: November 18, 2003

Conf. No.: 6226  
Art Unit: 2168  
Examiner: Jay A. Morrison

RECEIVED  
CENTRAL FAX CENTER  
FEB 28 2007

Title: DELTA-MECHANISM FOR INTEGRATION OF OLAP-BASED  
PLANNING AND REPORTING

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

This Pre-Appeal Brief Request for Review is with regards to the final office action mailed November 30, 2006. Allowance is respectfully requested in view of the Remarks contained in the following pages.

## CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

February 28, 2007  
Date of Transmission

Signature

Teri Barnett  
Typed or Printed Name of Person Signing Certificate

FEB 28 2007

007

Attorney Docket No.: 34874-022 / 2003P00820US

REMARKS

Overview

Claims 1-20 are pending, with claims 1, 9, and 14 being independent. Reconsideration and allowance are requested.

Rejections under 35 U.S.C. § 103

Claims 1-20 are rejected as allegedly being obvious in view of a combination of two or more of King et al. (Patent Number 5,745,904; "King"), Benson (Publication Number 200410225675 A1; "Benson"), Cras et al. (Patent Number 6,831,668; "Cras"), and Potts, Jr. et al. (Patent Number 6,516,339; "Potts"). These rejections are traversed.

The claims should be allowed because 1.) features of the claims are not disclosed in the cited references and 2.) insufficient motivation to combine the references exists.

1.) King Does Not Disclose a Reporting Tool or Planning Tool

King does not disclose a reporting tool or planning tool. Independent claim 14 includes features directed to a reporting tool and a planning tool. Claim 14 recites, in part:

"a reporting tool for reporting operations based on one or more data objects accessed from the data buffer;

a planning tool, integrated with the reporting tool, for planning operations based on the one or more data objects accessed from the data buffer."

King is alleged to disclose these features; however, this is not the case. In particular, the official action alleges that the retrieval of a record and index function of King correspond to the reporting and planning tool of claim 14. Official Action, p. 7. This is not the case. See, Reply faxed January 30, 2007, pages 2-4.

With regards to King lacking a reporting tool, retrieval of a record is allegedly a reporting tool, yet a tool is not identified and, even assuming retrieval of a record can be considered a reporting tool, such retrieval of a record is not "a reporting tool for reporting operations based on one or more data objects accessed from the data buffer." See claim 14. For example, a reporting tool, in some implementations, may be used to view data corresponding to a price, sales, make, model, and year of trucks sold by a company.

Attorney Docket No.: 34874-022 / 2003P00820

Present Application, ¶ 24. A retrieval of a record does not amount to a similar feature. Thus, King does not disclose the reporting tool of claim 14. See, Reply faxed January 30, 2007, pages 2-3.

With regards to King lacking a planning tool, an alleged "indexing function" of King that is a "'find' index function" that may return a records table record identifier. However, for at least the reason the index function is not related to planning, this disclosure does not amount to "a planning tool, integrated with the reporting tool, for planning operations based on the one or more data objects accessed from the data buffer." For example, returning a records table record identifier does not amount to planning. As another example, no planning operations are disclosed. Compare, for example, the present application which discloses, in implementations, "the execution of business planning tasks on [] multidimensional structures entail[ing] changing the data in a simulative manner." Present Application, ¶ 4. The indexing function is not the same as a planning tool. Thus, King does not disclose the planning tool of claim 14. See, Reply faxed January 30, 2007, pages 3-4.

As neither the reporting tool or planning tool are disclosed in King, and they are not disclosed in Benson (neither "reporting" nor "planning" exist in Benson), the combination of King and Benson fails to disclose features of independent claim 14 and independent claim 14 is allowable.

## 2.) Insufficient Motivation to Combine the References Exists

The subject matter of independent claims 1, 9, and 14 is not obvious in view of King and Benson as the cited motivation to combine does not provide sufficient motivation to combine the cited references to arrive at the claimed subject matter. In particular, (a.) the alleged motivation lacks evidentiary support such that the existence of such motivation is dubious and (b.) the alleged motivation is too broad to sufficiently motivate one of ordinary skill in the art to arrive at the claimed subject matter. See, Reply faxed January 30, 2007, pages 4-5.

### (a.) Alleged Motivation Lacks Support

In particular, the official action alleges there is motivation to add synchronization to King, yet there is no citation to a source for why there would be such motivation, so the desirability of the alleged motivation is dubious. In addition, the word

Attorney Docket No.: 34874-022 / 2003P00820

“synchronization” never appears in King, further adding to the doubtfulness of a desirability to add synchronization to King.

(b.) Alleged Motivation Too Broad to Arrive at Claimed Subject Matter

Even if there was a motivation to add some sort of synchronization to King, that motivation does not mean that the particular synchronization of Benson should be added to King. A sufficient motivation to combine references must go so far as to motivate one skilled in the art to combine references in such a fashion as to reach the claimed subject matter. MPEP § 2143.01 (“Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so >” (Referencing In re Kahn, 441 F.3d 977, 986, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006))). A simple search of the United States Patent Full-Text and Image database of issued patents shows over 119,577 hits for the word “synchronization.” Last visited 2/28/07. Given that there may be potentially hundreds, if not thousands of types of synchronization, the alleged motivation is not sufficient to explain why King should be modified to include the synchronization of Benson, as opposed to others. Thus, even assuming the references teach the limitations of the claimed subject matter, there is insufficient motivation to combine the references to arrive at the claimed subject matter.

As the alleged motivation to combine is insufficient, a prima facie case of obviousness is lacking and independent claims 1, 9, and 14 are not obvious over the cited references. As dependent claims 2-8, 10-13, and 15-20 depend directly, or indirectly, on claims 1, 9, and 14, these claims are also allowable for at least the reasons above.

Conclusion

In view of the remarks herein, claims 1-20 should be allowed. The foregoing comments made with respect to the positions taken in the office action are not to be construed as acquiescence with other positions of the office action that have not explicitly contested. Accordingly, arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

Attorney Docket No.: 34874-022 / 2003P00820

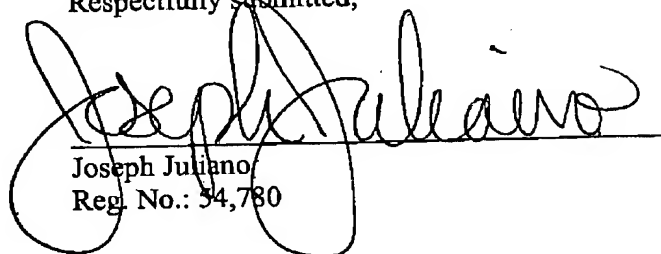
If there are any questions regarding these remarks, contact of the undersigned is encouraged at the telephone number provided below.

The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 34874-022-UTL.

Respectfully submitted,

Date: \_\_\_\_\_

2/28/07



Joseph Julianio  
Reg. No.: 34,780

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.  
9255 Towne Centre Drive, Suite 600  
San Diego, CA 92121  
Customer No. 64280  
Tel.: 858/320-3000  
Fax: 858/320-3001

3981040v.1